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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/304,379	05/04/1999	MICHAEL JOSEPH GARDNER	1152	9580

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EXAMINER

TRAN, PHUC H

ART UNIT PAPER NUMBER

2666

DATE MAILED: 09/24/2003

13

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/304,379

Applicant(s)

GARDNER ET AL.

Examiner

PHUC H TRAN

Art Unit

2666

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 81-100 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 81-100 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 81-100 are rejected under 35 U.S.C. 102(e) as being anticipated by Kalmanek, Jr. et al. (U.S. Patent No. 6324279 B1).

- With respect to claims 81, 90-91 & 100, Kalmanek, Jr. teaches a communication system (e.g. Fig. 1) comprising: a signaling processor configured (e.g. Fig. 1 shows controllers 110, databases 140) to receive and process signaling for a call (e.g. the Gate controller receives a setup message for a call, step 210 in Fig. 2) to select a connection, a bandwidth rate, an encoding scheme, and a billing rate (it is inherently to know when the control setting up a communication with quality of service, it has to select the connection, the bandwidth rate and the encoding scheme with minimizing the cost; col. ³~~1~~, lines 60-64, col. ⁴~~2~~, lines 9-11, col. 10, lines 6-7), to transfer a first message indicating the connection, the bandwidth rate, and the encoding scheme (e.g. col. 6, lines 41-55 and col. 9, lines 6-21; the gate controller receives the request from TIU and authorize the service, therefore the controller controls the connection, the bandwidth rate and the encoding scheme before it can communicate with other TIU), and transfer a second message indicating the billing rate to an accounting system (e.g. the billing rate is detected at NED and at

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the gate control, col. 5, lines 22-26, it is inherently to understand there is an accounting system for calculating bill for caller);

and an interworking unit configured to receive the first message and user communications for the call, and in response, to apply the encoding scheme to the user communications and transfer the user communications over the connection at the bandwidth rate (e.g. step 260 in Fig. 2).

- With respect to claims 82 & 92, Kalmanek, Jr. also discloses wherein the signaling comprises a signaling system seven message (col. 7, line 61).

- With respect to claims 83-84 & 93-94, Kalmanek, Jr. further teaches wherein the signaling processor is configured to select the bandwidth rate based on whether the call is a voice call or a data call or a caller number (col. 9, lines 11-21).

- With respect to claims 85 & 95, Kalmanek, Jr. discloses wherein the signaling processor is configured to select the encoding scheme based on a caller number (e.g. col. 23, lines 28-32).

- With respect to claims 86-87 & 96-97, Kalmanek, Jr. teaches wherein the encoding scheme comprises compression and encryption (e.g. TIUs 170 and 171 coding the information is compressing and encryption).

- With respect to claims 88 & 98, Kalmanek, Jr. also teaches wherein the signaling processor is configured to select the billing rate based on the bandwidth rate or the encoding scheme (col. 3, lines 61-64).

Response to Arguments

3. Applicant's arguments with respect to claims 81-100 have been considered but are moot in view of the new ground(s) of rejection.

Response to the amendment filed 6-26-2003; Applicant argued that the gate control does not select the connection, the encoding scheme, and bandwidth rate. Examiner respectfully disagrees with the Applicant. Because it is inherently to know when the gate control setups a communication to assure an authorized quality of service, the gate control has to select the connection, the encoding and the bandwidth to meet the service quality for various calls.

Applicant also argued that the step 260 does not teach any unit that handles user communications because these do not begin until there is a connection. Examiner respectfully disagrees with the Applicant. In claim 81 the interworking unit configured to receive the first message and user communication for the call... the claim does not disclose a connection during, before or after.

Applicant argued that Kalmanek does not teach how the bandwidth rate and the encoding scheme are selected. Kalmanek teaches the bandwidth rate are selected in col. 9, lines 11-21; and the encoding scheme in col. 23, lines 28-32.

Conclusion

4 Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUC H TRAN whose telephone number is (703) 308-7471. The examiner can normally be reached on M-F (8-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, RAO SEEMA can be reached on (703) 308-5463. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 872-9314.

Phuc Tran
Assistant Examiner
Art Unit 2664

P.t
September 16, 2003

For Seema S. Rao
Frank Duong